

EXHIBIT F

RE: A.A. v. J.M. - DoD Touhy Request (6th production)

From: "Porter, Damon (DC)" <damon.porter@lw.com>
To: "Wyer, Kathryn (CIV)" <kathryn.wyer@usdoj.gov>
Date: Fri, 02 Jun 2023 08:18:38 -0700

Thanks Kathy – let's do 2:30 please. I'll call then.

Best,
Damon

Damon Ripley Porter
Pronouns: He/Him/His

LATHAM & WATKINS LLP
555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.2348

From: Wyer, Kathryn (CIV) <Kathryn.Wyer@usdoj.gov>
Sent: Thursday, June 1, 2023 10:44 PM
To: Porter, Damon (DC) <Damon.Porter@lw.com>
Subject: RE: A.A. v. J.M. - DoD Touhy Request (6th production)

My apologies likewise. Noon will work if it's still ok with you. Otherwise 11am or after 2:30pm would also work.

Kathy Wyer
(202) 616-8475

From: Damon.Porter@lw.com <Damon.Porter@lw.com>
Sent: Thursday, June 01, 2023 9:59 AM
To: Wyer, Kathryn (CIV) <Kathryn.Wyer@usdoj.gov>
Subject: [EXTERNAL] RE: A.A. v. J.M. - DoD Touhy Request (6th production)

Hi Kathy,

My apologies for the slow response – I'm pretty slammed through today, but can do tomorrow. Does noon work for you? Otherwise, I'm free tomorrow from 11 am – 1:00 pm, or after 2:30 pm.

Thanks!
Damon

Damon Ripley Porter
Pronouns: He/Him/His

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D: +1.202.637.2348

From: Wyer, Kathryn (CIV) <Kathryn.Wyer@usdoj.gov>
Sent: Wednesday, May 31, 2023 11:00 AM
To: Porter, Damon (DC) <Damon.Porter@lw.com>
Subject: RE: A.A. v. J.M. - DoD Touhy Request (6th production)

Damon,
Do you have time for a short follow-up call this week? I'm generally available. Thanks,

Kathy

Kathy Wyer
(202) 616-8475

From: Damon.Porter@lw.com <Damon.Porter@lw.com>
Sent: Friday, May 26, 2023 11:16 AM
To: Wyer, Kathryn (CIV) <Kathryn.Wyer@usdoj.gov>
Subject: [EXTERNAL] RE: A.A. v. J.M. - DoD Touhy Request (6th production)

Thank you Kathy – if it still works for you, I'll give you a call at 12:30 pm.

Best,
Damon

Damon Ripley Porter
Pronouns: He/Him/His

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From: Wyer, Kathryn (CIV) <Kathryn.Wyer@usdoj.gov>
Sent: Thursday, May 25, 2023 9:05 PM
To: Porter, Damon (DC) <Damon.Porter@lw.com>
Cc: Rowen, Zachary (NY) <Zachary.Rowen@lw.com>
Subject: RE: A.A. v. J.M. - DoD Touhy Request (6th production)

Yes, tomorrow anytime after 11am would work.

Kathy Wyer
(202) 616-8475

From: Damon.Porter@lw.com <Damon.Porter@lw.com>
Sent: Thursday, May 25, 2023 5:56 PM
To: Wyer, Kathryn (CIV) <Kathryn.Wyer@usdoj.gov>
Cc: Zachary.Rowen@lw.com
Subject: [EXTERNAL] RE: A.A. v. J.M. - DoD Touhy Request (6th production)

Good evening Kathy,

I hope all is well. Thanks again for sending these Touhy responses. I have a couple of short follow-up questions; do you have any time to discuss tomorrow? I'm flexible any time after 11:00 am tomorrow or Monday from 8:00 am – 2:00 pm or after 3:30 pm.

Best,
Damon

Damon Ripley Porter
Pronouns: He/Him/His

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555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
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From: Porter, Damon (DC)
Sent: Wednesday, May 24, 2023 11:26 AM
To: 'Wyer, Kathryn (CIV)' <Kathryn.Wyer@usdoj.gov>
Cc: Rowen, Zachary (NY) <Zachary.Rowen@lw.com>
Subject: RE: A.A. v. J.M. - DoD Touhy Request (6th production)

Good morning Kathy,

We've received your emails and the download has processed smoothly. Thank you very much.

Best,
Damon

Damon Ripley Porter
Pronouns: He/Him/His

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555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.2348

From: Wyer, Kathryn (CIV) <Kathryn.Wyer@usdoj.gov>
Sent: Tuesday, May 23, 2023 10:27 PM
To: Porter, Damon (DC) <Damon.Porter@lw.com>
Cc: Rowen, Zachary (NY) <Zachary.Rowen@lw.com>
Subject: A.A. v. J.M. - DoD Touhy Request (6th production)

Counsel,

This responds in part to the *Touhy* requests submitted by your firm to the U.S. Department of Defense by letters to me dated November 11, 2022, and November 29, 2022. This is the sixth production responding to these requests. The Department continues to process its response and will provide additional documents on a rolling basis as it is able to do so. The documents provided through the link below are solely for use in the litigation *A.A. v. J.M.*, No. CL 22000186-00 (Va. Circuit Ct.), and certain information, including identifying and medical information relating to the child at issue, has been left unredacted on the understanding that it is protected from public disclosure by the court's pseudonym and sealing rulings in that case. Certain other information in the documents is redacted based on security and privacy interests. Among other things, certain names, e-mail addresses, and phone

numbers of U.S. Government employees are redacted consistent with the general practices of the agencies employing those individuals.

The records provided through the link at the bottom of this message were retrieved through searches of U.S. Department of Defense electronic systems. Some may reflect individual employees' use of those systems for unofficial purposes while others reflect official activities of the U.S. Department of Defense.

In regard to this production, the Department has identified a number of documents as having been created by an individual U.S. servicemember, then-Captain Joshua Mast (respondent J.M.), for his own personal use rather than for any official Department purpose. Although these documents contain certain United States Government information that J.M. was able to obtain due to his status as a military servicemember, they also contain mischaracterizations of such information as well as false information, and the representations in these documents were not endorsed, approved, or authorized for court submission by the Department. This material was found either in J.M.'s Department e-mail account or in an electronic folder that J.M. apparently created and maintained for personal use while he was in Afghanistan. These documents include, but are not limited to, the following:

- A memorandum dated November 6, 2019, on purported United States Forces-Afghanistan (USFOR-A) letterhead, with subject line "Efforts to Find Baby [REDACTED] Family" [T 01695, T 01698]. The Department has not recognized or endorsed this document as an official Department record. The Commander, Task Force Medical-Afghanistan, who signed this document had no oversight of or direct involvement in the search for the child's relatives and lacked direct knowledge of the information purportedly described in this document; the document was not created for any official Department purpose; and assertions in the document that efforts to locate the child's relatives had been unsuccessful are false. While the Department has not conclusively verified certain information in the document that purportedly derives from communications with the International Committee of the Red Cross (ICRC), it has redacted certain information that may derive from such communications, consistent with the ICRC's request. The Department has left unredacted a characterization of ICRC activity in paragraph 5 that the Department has determined could not derive from communications between the Department and the ICRC because it does not accurately reflect the status of the ICRC's search, as reflected in material that the United States has submitted to the court in this case.
- A memorandum dated November 4, 2019, on purported USFOR-A letterhead, with subject line "Specific Risk of Harm in the Case of 'Baby [REDACTED]' " [T 01679, T 01696]. The Department has not recognized or endorsed this document as an official Department record. The Commander, Task Force Medical-Afghanistan, who signed this document had no oversight of or direct involvement in any determination regarding the child's origin or disposition; this document was not created for any official Department purpose; and assertions in this document that the child was of non-Afghan origin and that she faced the prospect of being transferred to an orphanage do not accurately reflect the child's status, or the Department's understanding of her status at the time, as reflected in material that the United States has submitted to the court in this case.
- Copies of a document created by J.M. and described by him as a "mission summary." The Department has not recognized or endorsed this document as an official Department record, and the document contains assertions regarding the child's origin that do not accurately reflect the child's status, or the Department's understanding of her status at the time, as reflected in material that the United States has submitted to the court in this case.
- Documents that were found in the Center for Law and Military Operations (CLAMO)'s Intelink repository, in subfolders within a folder entitled "Mast Working Files\ [REDACTED]." These documents appear to have been created and/or saved to the subfolders by J.M. in his personal capacity

while he was in Afghanistan and appear to include documents J.M. submitted in various state court proceedings, including apparent pleadings as well as statements digitally signed by J.M. The Department has found no indication that these apparent court pleadings and/or statements signed by J.M. were ever reviewed, endorsed, or authorized by any Department employee other than J.M. prior to their submission, nor that the Department was aware of these documents before they were found in the electronic searches conducted in response to document requests after the 2022 state court proceeding had begun.

Link for records download:

<https://safe.apps.mil/pickup.php?claimID=NbyxfnW58bhqgzx&recipCode=Pct45M>

Please note that, upon following the link, you will be asked for a claim passcode, which is: [REDACTED]. When you then proceed to download the documents, you will be prompted for a password, which I will send via separate email. You have 7 days to retrieve the drop-off; after that the link above will expire.

Please contact me with any questions.

Kathryn L. Wyer | Senior Trial Counsel
U.S. Department of Justice, Civil Division, Federal Programs Branch
Delivery: 1100 L St., NW, Room 12014, Washington, DC 20005
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